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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,772	03/26/2004	Andrew Slark	3080.BDG	9608

7590 05/12/2009  
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EXAMINER
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NILAND, PATRICK DENNIS

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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05/12/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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1. The amendment of 2/11/09 has been entered. Claims 22-37 are pending.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 35-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. It is unclear what is intended by “mixtures” of the instant claim 35. There is not antecedent basis for “mixtures” in claim 35 nor claim 22. It is unclear what other mixture than the one specified in claim 22 is intended by "mixtures".

B. It is unclear what is intended by the instant claims 35-37. The claim from which claims 35-37 depends, claim 22, recites a mixture comprising the urethane diol and polyether polyol or polyester polyol. Claims 35-37 redefine the mixture and appear to exclude the urethane diol in claims 35-37 and the polyether or polyester polyol in claim 36. It is unclear how the newly recited mixture has antecedent basis from the mixture of claim 22 therefore. It does not appear that “further comprises” is intended by the language of new claims 35-37 given that this language is used in the instant claim 26, for example, and not in new claims 35-37.

4. Claims 35-37 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

A. It is unclear what is intended by the instant claims 35-37. The claim from which claims 35-37 depends, claim 22, recites a mixture comprising the urethane diol and polyether

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polyol or polyester polyol. Claims 35-37 redefine the mixture and appear to exclude the urethane diol in claims 35-37 and the polyether or polyester polyol in claim 36. It is unclear how the newly recited mixture has antecedent basis from the mixture of claim 22 therefore. It does not appear that "further comprises" is intended by the language of new claims 35-37 given that this language is used in the instant claim 26, for example, and not in new claims 35-37.

This changing of the meaning of the mixture of claim 22 in claims 35-37 does not further limit the subject matter of previous claim 22. Claims 35-37 therefore do not meet the requirements of the above rule.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick D. Niland whose telephone number is 571-272-1121. The examiner can normally be reached on Monday to Thursday from 10 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Patrick D Niland/  
Primary Examiner  
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